

WIDOW AND CHILDREN OF THE HON. DAVIS DIMOCK, JR.

JULY 21, 1842.

Read, and the resolution concurred in by the House.

Mr. MARCHAND, from the Committee on Accounts, made the following

REPORT :

*The Committee on Accounts, to which was referred the petition of sundry citizens of Pennsylvania, with instructions to inquire into the expediency of allowing to the widow and children of the Hon. Davis Dimock, jr., deceased, the daily pay which would have been due from the commencement of the present session till the day of his death—13th of January, 1842—submitted the following, report :*

That Davis Dimock, jr., was elected a member of the 27th Congress, from the State of Pennsylvania. He attended and was qualified as a member of the first session of this Congress, but did not attend the present session, by reason of illness, which confined him to his home until the day of his death, which, according to the petition, was on the 13th day of January, 1842. On the 22d day of January, 1818, was approved, the law fixing the compensation of members of the Senate and House of Representatives of the United States; the second section of that law, after prescribing eight dollars as the daily pay of members for their attendance, provided as follows: "and in case any Representative or Delegate has been, is, or shall be, detained by sickness, on his journey to or from the session of Congress, or, after his arrival, has been, is, or shall be, unable to attend the House of Representatives, he shall be entitled to the same daily allowance." In the third section of the same law, it is enacted "that the said compensation, which shall be due to the members of the Senate, shall be certified by the President thereof; and that which shall be due to the Representatives and Delegates, shall be certified by the Speaker. And the same shall be passed as public accounts, and paid out of the public Treasury."

The case of Mr. Dimock, as your committee believes, comes fully within the spirit of the construction heretofore placed on this law. By the third section, the Representatives are to be paid their compensation out of the public Treasury, on the certificate of the Speaker. Such certificates have been granted in cases where members were prevented by illness from starting to the seat of Government, to attend the commencement of a session, but did not arrive for some time after, for the same amount to which they would have been entitled by the express words of the statute, had they been detained by sickness on their journey to the session of Con-

gress. There are no words in the law which directs members to be paid who are confined, at the end of the session, by an illness too severe to permit them to commence their journey "from the session of Congress;" and, yet, it has been the invariable practice, as far as it has come within the knowledge of the committee, to allow them eight dollars per day so long as they were actually confined by such illness. The committee, under the construction of the act of Congress of the 22d January, 1818, thus given and practiced upon, cannot conceive that it was the intention of that act to deny pay to him whose malady was even unto death, and compensate him whose sickness is so slight that it delays him but a few days upon "his journey to the session of Congress." The committee think the present case is one which is justly entitled to be placed on the same level with the other cases allowed to be within the spirit of the act of Congress. The amount which would have been due for daily allowance, from the commencement of the present session of Congress, on the 6th day of December, 1841, till the 13th day of January, 1842, had Mr. Dimock been in attendance, would have been for thirty-eight days, making the compensation amount to three hundred and four dollars. The committee report the following resolution:

*Resolved*, That there be allowed, out of the contingent fund of the House, to the widow and children of the late Davis Dimock, jr., a member of the House of Representatives of the United States, from the State of Pennsylvania, the sum of three hundred and four dollars, pay as a member of this House, from the 6th day of December, 1841, to the 13th day of January, 1842—being the day on which he died—both days inclusive.